REMARKS/ARGUMENTS

Claims 20-22 and 24-37 are pending in this application. Claims 20-22 and 24-37 stand rejected. By this amendment, claim 22 is amended. The amendments made to claim 22 do not alter the scope of this claim, nor have these amendments been made to define over the prior art. Rather, the amendments to claim 22 have been made to improve the form thereof. In light of the amendments and remarks set forth below, Applicants respectfully submit that each of the pending claims is in immediate condition for allowance.

Claim 22 stands rejected under 35 USC §112, second paragraph as indefinite for failing to particularly to point out and distinctly claim the subject matter of the invention. Claim 22 is amended to remove each occurrence of the term "and/or" on lines 2-21. Thus, the rejection under 35 U.S.C. §112, second paragraph should be withdrawn.

Claims 20-22 and 24-37 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,856,866 ("Nakao"). Applicants request withdrawal of this rejection.

Among the limitations of independent claims 20 and 27 not present in Nakao is "a data mask that carries out prioritization, filtering, and normalization of different data formats". As disclosed in the present specification, filter 9 comprises a data mask that prioritizes the data from modules 1-8. The filter also adapts and filters the data with respect to data format. Information is assessed and weighed in advance by filter 9 based on importance of the data with respect to the driver, road way, vehicle, energy sources, energy sinks, and the like, to achieve a processing time in logic module 12 that is as short as possible. (Specification as filed, p. 11, ll. 24-31).

In the rejection under 35 U.S.C. §102(e) set forth in paragraph 2 on page 3 of the Office Action, the Examiner is silent with respect to the above quoted limitation. However, in the rejection under 35 U.S.C. §103(a) discussed below, the Examiner asserts "Nakao teaches a data

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mask defined by a high discharge execution determining section that receives output data based on estimates. The high discharge execution determining section carries out prioritization, filtering and normalization of different data formats." (Office Action at par. 3, p. 4). However, the Examiner-cited portion of Nakao is silent with respect to the limitations for which it is cited.

In Nakao, the high discharge execution determining section 124 receives output data corresponding to an estimated travel assist electric power amount and an estimated regenerative electric power amount for each travel route portion, and determines whether or not the state of charge of battery 5 can be returned to a predetermined intermediate region C1 to C2 (or the state of charge target value C0) by regenerative charge on the immediately next long downhill slope D (downhill travel path) even if the battery 5 is highly discharged. The high discharge execution determining section 124 receives output data corresponding to an estimated travel assist electric power amount and an estimated regenerative electric power amount for each travel route portion, and determines whether or not the battery 5 can be highly discharged on the uphill slope U (travel path) immediately before the long downhill slope D. (Nakao at col. 8. ll. 17-33).

Nowhere does Nakao disclose that the high discharge execution determining section 124 performing prioritization, filtering, or normalization of different data formats. Therefore, for at least this reason, Nakao fails to anticipate claims 20-22 and 24-37.

Claims 20-22, 24, and 26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,426,589 ("Kitagawa") in view of Nakao. Applicants request reconsideration and withdrawal of this rejection.

The Examiner recognizes that Kitagawa fails to disclose a data mask that carries out a prioritization, filtering a normalization of different data formats. The Examiner attempts to cure this deficiency with Nakao. However, as discussed above, Nakao is silent with respect to a data

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mask performing prioritization, filtering, or normalization of different data formats. Thus, claim 20 is allowable.

Claims 21 and 22 depend from, and contain all the limitations of claim 1. Claims 28-37 depend from and contain all the limitations of claim 27. These dependent claims also recite additional limitations, which, in combination of the independent claims from which they depend, are neither disclosed nor suggested by Nakao or Kitagawa, whether taken alone or in combination. Therefore, all of the pending claims should be allowed.

It is believed that no fees or charges are required at this time in connection with the present application. However, if any fees or charges are required at this time, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,
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